

Exhibit 40

STATE OF TEXAS, ET AL. vs. UNITED STATES OF AMERICA, ET AL.
Rose Arackathara on 06/18/2018

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

STATE OF TEXAS, et al., CASE NO. 1:18-CV-08

Plaintiffs,

vs.

7 UNITED STATES OF AMERICA,
et al.,

8 Defendants,

9 KARLA PEREZ, et al.,

10 Defendant-Intervenors,

11 and

12 STATE OF NEW JERSEY,

13 Proposed Defendant-Intervenor

14 -

16 Monday, June 18, 2018

17 - - -

18 DEPOSITION OF:

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2 Oral Deposition of ROSE ARACKATHARA,
3 was taken pursuant to Notice at the offices of the
4 NEW JERSEY ATTORNEY GENERAL'S OFFICE, 124 Halsey
5 Street, 5th Floor, Newark, NJ 07101 on the above
6 date before DEBRA G. JOHNSON-SPALLONE, CCR, RPR,
7 Delaware CSR, Notary Public in and for the States of
8 Pennsylvania, New Jersey, and Delaware, and a
9 Federally Approved Reporter of the United States
10 District Court commencing on or about 10:10 a.m.

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1 A. Yes.

2 Q. In receiving the full-time
3 employment, is it your testimony that Ms. Osorio, to
4 your understanding, was selected over other
5 applicants?

6 A. From my understanding, she was,
7 based on the competitive nature of the program.

8 Q. Are you aware how many people are
9 beginning full-time employment at DCP&P this Fall
10 through the BCWEP program?

11 A. I believe there is, roughly, 40 in
12 the graduating class. Not all of them are starting
13 in the Fall. Some of them started right after
14 graduation.

15 Cinthia herself was expected to
16 start right after graduation, but because of her
17 treatments, because of her cancer, she was able to
18 delay that start date.

19 So, other students have already
20 started, some haven't, but it's all various time --
21 timelines.

22 Q. So, within her class there is
23 approximately 40 people that are being brought up
24 for full-time employment.

25 Is that correct?

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2 I, Debra G. Johnson-Spallone, certify that the
3 foregoing is a true and accurate transcription of
4 the notes taken by me on the date set forth.

5 I further certify that I am not an attorney or
6 counsel of any of the parties, nor a relative or
7 employee of any attorney or counsel in connection
8 with the action, nor financially interested in the
9 action.

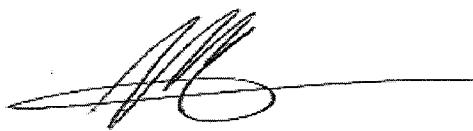
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DEBRA G. JOHNSON-SPALLONE, CSR, RPR

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This transcript is not to be copied unless under the
direct control and supervision of the certifying
reporter.

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Debra G. Johnson-Spallone, CSR, RPR